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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/203,672	02/28/94	SILVER	B 5297/32

LEWIS, R EXAMINER

33M1/0823

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ART UNIT	PAPER NUMBER
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3309

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DATE MAILED: 08/23/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 4, 6, AND 8-18 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☒ Claims 1-3, 5, AND 7 have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 4, 6, AND 8-18 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

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Applicant's request for withdrawal of Abandonment filed April 29, 1994 is noted. The parent application was expressly abandoned on 02/28/94 in the papers filed for the present file-wrapper-continuation application 08/203,672 on 02/28/94. There is continuity between the two applications. The record is clear that applicant has filed a file-wrapper-continuation application 08/203,672 to continue the prosecution of the claims in the original application 07/809,921.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 4, 8-10, 12, 13, and 15 are rejected under 35 U.S.C. § 103 as being unpatentable over Yanase (4,600,104) in view of Graham (3,905,477) or Cole (2,895,475).

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Yanase discloses a milk bag 1 having an initially hermetically sealed (3:62) opening 36 that is resealable (Figure 9). The Yanase bag lacks the claimed writing area inboard of the bag perimeter. Graham and Cole, however, teach that in bags used to collect such biological fluids that it is desirable to provide the bottom edge with an inboard area which may be written on so that the bog of fluid may be identified by information as the date the fluid was taken and the individual from whom the fluid was taken. To have provided the Yanase bag with an inboard writing surface as taught by Graham and Cole so that the contents may be identified would have been obvious to one of ordinary skill in the art.

Claim 6 is rejected under 35 U.S.C. § 103 as being unpatentable over Yanase (4,600,104) in view of Grinrod et al (3,740,237).

Yanase discloses a milk bag for receiving milk having an opening that is initially hermetically sealed which can be opened and then resealed. The resealable opening of Yanase fails to meet applicant's "resealable seam means between the front and back side" limitation. Grinrod, however, teaches that for such food storage bags that it is desirable for hermetically resealable closures to be formed by adhesives in the seam of the bag opening. To have used a conventional Grinrod resealable seam means in place of the disclosed tear and roll type seal means

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disclosed by Yanase would have been obvious to one of ordinary skill in the art.

Claims 11 and 14 are rejected under 35 U.S.C. § 103 as being unpatentable over Yanase (4,600,104), Graham (3,905,477), Cole (2,895,475) as applied to claim 8 above and in further view of Korn (3,716,182).

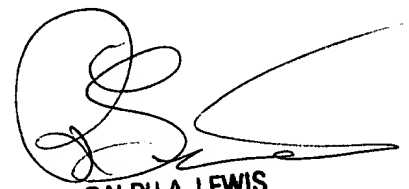
To have replaced Yanase closure member 30, 31, 32, 33, with a conventional tie string closure member as that taught by Korn would have been obvious to one of ordinary skill in the art as an obvious of substitution of known conventional equivalent structure.

Claims 16-18 are rejected under 35 U.S.C. § 103 as being unpatentable over Yanase (4,600,104), Graham (3,905,477), Cole (2,895,475) and Korn (3,716,182) as applied to claims 11 and 14 above, and further in view of Wilson (4,950,236).

To have merely used the modified Yanase '104 liner bag with the Wilson breast pump would have been obvious to one of ordinary skill in the art.

Any inquiry concerning this communication should be directed to Ralph Lewis at telephone number (703) 308-1320.

R.Lewis
August 22, 1994



RALPH A. LEWIS
PRIMARY EXAMINER
GROUP 3300